

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DIEGO GALIETTI,

Plaintiff

v.

WESTERN PROGRESSIVE-NEVADA,  
INC.,

Defendant

Case No.: 2:21-cv-02034-APG-BNW

**Order**

On November 10, 2021, plaintiff Diego Galietti filed an emergency motion for temporary restraining order to enjoin the foreclosure sale of his house that was scheduled for 9:00 a.m. on Friday, November 12, 2021. ECF No. 2. Galietti contends that defendant Western Progressive-Nevada, Inc. should be enjoined from selling his house because there are gaps in the chain of assignments of the deed of trust. He also contends that Western Progressive has failed to comply with Nevada Revised Statutes §§ 107.400 *et seq.*, because Western Progressive has not given him a written decision on his application for a foreclosure prevention alternative. Galietti thereafter filed a brief advising the court that Western Progressive agreed to postpone the sale until December 29, 2021. ECF No. 5.

Galietti has not filed a complaint and has not identified the basis for subject matter jurisdiction in this court. I therefore order him to file a complaint and to serve it, along with the summons, his motion for temporary restraining order, and this order, on Western Progressive. Western Progressive shall have until December 8, 2021 to file a response to the motion for temporary restraining order. Galietti may file a reply by December 14, 2021. I will conduct a hearing on the motion on December 16, 2021.

1 I THEREFORE ORDER that plaintiff Diego Galietti must file a complaint in this  
2 matter, including identifying the basis of this court's jurisdiction in this case, by November 18,  
3 2021.

4 I FURTHER ORDER that Galietti must serve defendant Western Progressive's resident  
5 agent with the summons and copies of the complaint, motion for temporary restraining order  
6 (ECF No. 2), and this order immediately after he has filed his complaint. Additionally, Galietti  
7 must provide Western Progressive with this order via email immediately. Galietti must file proof  
8 that service was accomplished and that this order was sent to Western Progressive via email.

9 I FURTHER ORDER that Western Progressive has until December 8, 2021 to file any  
10 response to the motion for temporary restraining order. Galietti may file a reply in support of his  
11 motion by December 14, 2021.

12 I FURTHER ORDER that I will conduct a video hearing on Galietti's motion for a  
13 temporary restraining order (ECF No. 2) on **Thursday, December 16, 2021, at 9:00 a.m.** My  
14 courtroom administrator will provide Galietti and the defendant's counsel with the link to attend  
15 the video conference. Counsel is instructed not to forward the link to others. If parties or  
16 additional participants need to appear, counsel is directed to contact my courtroom administrator  
17 (Melissa Johansen) at [Melissa.Johansen@nvd.uscourts.gov](mailto:Melissa.Johansen@nvd.uscourts.gov) for permission. Members of the  
18 public seeking to have access to this hearing must contact my courtroom administrator by email  
19 before the day of the hearing. **Persons granted remote access to proceedings are reminded of**  
20 **the prohibition against photographing, recording, and rebroadcasting court proceedings.**  
21 Violation of these prohibitions may result in sanctions, including removal of court-issued media  
22 credentials, restricted entry to future hearings, denial of access to future hearings, or any other  
23

1 sanctions deemed necessary. This is a formal court proceeding and proper courtroom attire is  
2 required.

3 DATED this 15th day of November, 2021.

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6 ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE